

The Need for the Proposed Action

Granting the requested exemptions will relieve the licensee of the requirement to develop training modules under the SAT that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System. Thus, the licensee will not incur the costs associated with this activity.

Environmental Impacts of the Proposed Action

The NRC has reviewed the exemption requests submitted by the licensee. The staff determined that not requiring the licensee to develop training modules including comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System, is an administrative change, and would have no significant impacts to the environment.

Further, NRC has evaluated the impact to public safety that would result from granting the requested exemptions. CYAPCO has stated that for activities associated with operation and maintenance of ISFSI structures, systems, and components (SSCs) that are not important to safety, CYAPCO will provide training/instructions in accordance with manufacturer's instructions and CYAPCO approved procedures. NRC determined that requiring the licensee to develop training modules under its SAT for the operation and maintenance of ISFSI SSCs considered not-important-to-safety would not provide a commensurate increase in public safety associated with the costs. Therefore, allowing the licensee to develop these modules separately from its SAT does not impact public safety.

The proposed action would not increase the probability or consequences of accidents, no changes would be made to the types of effluents released offsite, and there would be no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

The potential environmental impact of using the NAC-MPC System was initially presented in the Environmental Assessment for the Final Rule to add the NAC-MPC System to the list of approved spent fuel storage casks in 10 CFR 72.214 (65 FR 12444, dated March 9, 2000), as revised in Amendment No. 1 (66 FR 45749, dated August 30, 2001), in Amendment No. 2 (67 FR 11566, dated March 15, 2002), in Amendment No. 3 (68 FR 42570, dated July 18,

2003), and in Amendment No. 4 (69 FR 50053, dated August 13, 2004).

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since there is no significant environmental impact associated with the proposed action, alternatives with equal or greater environmental impacts were not evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the exemption request would have the same environmental impact as the proposed action.

Agencies and Persons Consulted

On July 6, 2005, the staff consulted with Mr. Michael Firsick of the Connecticut Department of Environmental Protection, Division of Radiation, regarding the environmental impact of the proposed action. He had no comments. The NRC staff has determined that a consultation under Section 7 of the Endangered Species Act is not required because the proposed action will not affect listed species or critical habitat. The NRC staff has also determined that the proposed action is not a type of activity having the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing Environmental Assessment, the NRC finds that the proposed action of granting an exemption from 10 CFR 72.212(a)(2), 72.212(b)(2)(I), 72.212(b)(7), and 72.214 and not requiring the licensee to develop training modules under its SAT that includes comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC will not significantly impact the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this exemption request, see CYAPCO's letter dated June 1, 2005. The exemption request was docketed under 10 CFR 72, Docket No. 72-39. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams/web-based.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail at pdr@nrc.gov.

Dated at Rockville, Maryland, this 31st day of August, 2005.

For the Nuclear Regulatory Commission.

L. Raynard Wharton,

*Project Manager, Spent Fuel Project Office,
Office of Nuclear Material Safety and
Safeguards.*

[FR Doc. 05-17970 Filed 9-9-05; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 030-19526]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Elan Operations, Inc., Princeton, NJ Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability.

FOR FURTHER INFORMATION CONTACT: John Nicholson, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406, telephone (610) 337-5236, fax (610) 337-5269; or by e-mail: jjn@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) is issuing a license amendment to Elan Operations, Inc. (formerly Elan Pharmaceuticals and The Liposome Company), Materials License No. 29-19918-01, to authorize release of its facility in Princeton, New Jersey for unrestricted use. NRC has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No

Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the action is to authorize the release of the licensee's Princeton, New Jersey facility for unrestricted use. Elan Operations, Inc. (known as The Liposome Company at the time) was authorized by NRC from April 23, 1982, to use radioactive materials for research and development purposes at the site. On February 26, 2005, Elan Operations, Inc. requested that NRC release the facility for unrestricted use. Elan Operations, Inc. has conducted surveys of the facility and provided information to the NRC to demonstrate that the site meets the license termination criteria in subpart E of 10 CFR part 20 for unrestricted use.

The NRC staff has prepared an EA in support of the license amendment. The facility was remediated and surveyed prior to the licensee requesting the license amendment. The NRC staff has reviewed the information and final status survey submitted by Elan Operations, Inc. Based on its review, the staff has determined that there are no additional remediation activities necessary to complete the proposed action. Therefore, the staff considered the impact of the residual radioactivity at the facility and concluded that since the residual radioactivity meets the requirements in subpart E of 10 CFR part 20, a Finding of No Significant Impact is appropriate.

III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the license amendment to terminate the license and release the facility for unrestricted use. The NRC staff has evaluated Elan Operations, Inc.'s request and the results of the surveys and has concluded that the completed action complies with the criteria in Subpart E of 10 CFR Part 20. The staff has found that the radiological environmental impacts from the action are bounded by the impacts evaluated by NUREG-1496, Volumes 1-3, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (ML042310492, ML042320379, and ML042330385). Additionally, no non-radiological or cumulative impacts were identified. On the basis of the EA, the NRC has concluded that the environmental impacts from the action are expected to be insignificant and has determined not

to prepare an environmental impact statement for the action.

IV. Further Information

Documents related to this action, including the application for the license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this Notice are: The Environmental Assessment (ML052450172); Letter dated November 5, 2003 requesting the amendment and including the plan for decommissioning (ML033090192); Letter dated June 16, 2004 providing additional information (ML041820304); Letter dated February 26, 2005 (ML050980018); Final Status Survey Volumes 1 and 2 (ML050980055 and ML050980057); and Letter dated April 19, 2005 providing additional information (ML051300383). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at (800) 397-4209 or (301) 415-4737, or by e-mail to pdr@nrc.gov.

Documents related to operations conducted under this license not specifically referenced in this Notice may not be electronically available and/or may not be publicly available. Persons who have an interest in reviewing these documents should submit a request to the NRC under the Freedom of Information Act (FOIA). Instructions for submitting a FOIA request can be found on the NRC's Web site at <http://www.nrc.gov/reading-rm/foia-privacy.html>.

Dated at King of Prussia, Pennsylvania this 2nd day of September, 2005.

For the Nuclear Regulatory Commission.

James P. Dwyer,

Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety Region I.

[FR Doc. 05-17972 Filed 9-9-05; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

DATES: Week of September 5, 2005.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of September 5, 2005

Friday, September 9, 2005

- 9 a.m. Affirmation Session (Public Meeting) (Tentative)
- a. Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72-22-ISFSI; Review of Utah Contention K (Aircraft Crash Hazards) Rulings (Tentative).

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The Affirmation Session tentatively scheduled on Thursday, September 9, 2005, at 9:25 a.m. has been rescheduled tentatively on Friday, September 9, 2005, at 9 a.m.

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: Michelle Schroll, (301) 415-1662.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/what-we-do/policy-making/schedule.html>.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, August Spector, at (301) 415-7080, TDD: (301) 415-2100, or by e-mail at aks@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: September 7, 2005.

R. Michelle Schroll,

Office of the Secretary.

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